

Assembly Bill No. 2146

CHAPTER 811

An act to add Section 147.4 to the Labor Code, relating to occupational safety.

[Approved by Governor September 29, 2014. Filed with
Secretary of State September 29, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2146, Skinner. Occupational safety: firefighters: personal protective equipment.

The California Occupational Safety and Health Act of 1973 provides the Division of Occupational Safety and Health within the Department of Industrial Relations with the power, jurisdiction, and supervision over all employment and places of employment necessary to enforce and administer all occupational health and safety laws and to protect employees. The Occupational Safety and Health Standards Board, an independent entity within the department, has the exclusive authority to adopt occupational safety and health standards within the state.

This bill would require the Department of Industrial Relations by January 1, 2016, to convene an advisory committee, composed as specified, to evaluate whether changes are needed to align certain safety orders relating to personal protective clothing and equipment for firefighters with standards promulgated by the National Fire Protection Association (NFPA). The bill would require the committee to present its findings and recommendations to the Occupational Safety and Health Standards Board by July 1, 2016, and require the board no later than July 1, 2017, to render a decision regarding the adoption of changes to the safety orders, or other applicable standards and regulations, in order to maintain alignment with the NFPA standards. The bill would require the board, by July 1, 2018, and every 5 years thereafter, to complete a comprehensive review of all revisions to NFPA standards pertaining to personal protective equipment, as specified, and if the review finds that the revisions to applicable standards provide a greater degree of personal protection than the safety orders, the bill would require the board to consider modifying existing safety orders and to render a decision in that regard, as specified.

The people of the State of California do enact as follows:

SECTION 1. Section 147.4 is added to the Labor Code, to read:

147.4. (a) By January 1, 2016, the department shall convene an advisory committee to evaluate whether changes are needed to align the general

industry safety orders in Sections 3403 to 3411, inclusive, of Article 10.1 (commencing with Section 3401) of Group 2 of Subchapter 7 of Chapter 4 of Article 8 of Division 1 of Title 8 of the California Code of Regulations with the applicable and most recently promulgated standards of the National Fire Protection Association. The committee shall be composed of parties in both management and labor, represent a cross section of the fire protection industry and community, and be competent and knowledgeable regarding personal protective clothing and equipment for firefighters and firefighting practices generally.

(b) By July 1, 2016, the advisory committee shall present its findings and recommendations for consideration by the board. No later than July 1, 2017, the board shall render a decision regarding the adoption of changes to the general industry safety orders in Sections 3403 to 3411, inclusive, of Article 10.1 (commencing with Section 3401) of Group 2 of Subchapter 7 of Chapter 4 of Article 8 of Division 1 of Title 8 of the California Code of Regulations, or other applicable standards and regulations, in order to maintain alignment with the applicable National Fire Protection Association standards.

(c) Beginning July 1, 2018, and every five years thereafter, the board, in consultation with the department, shall complete a comprehensive review of all revisions to National Fire Protection Association standards pertaining to personal protective equipment covered by the general industry safety orders in Sections 3403 to 3411, inclusive, of Article 10.1 (commencing with Section 3401) of Group 2 of Subchapter 7 of Chapter 4 of Article 8 of Division 1 of Title 8 of the California Code of Regulations. If the review finds that the revisions to applicable National Fire Protection Association standards provide a greater degree of personal protection than the safety orders, the board shall consider modifying existing safety orders and shall render a decision regarding the adoption of necessary changes to safety orders, or other applicable standards and regulations, no later than July 1 of the subsequent year, in order to maintain alignment of the safety orders with the applicable National Fire Protection Association standards.